
HOUSE BILL 2816

State of Washington 60th Legislature 2008 Regular Session

By Representatives Campbell, Morrell, and Green

Read first time 01/16/08. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to health care devices and procedures; adding a new
2 section to chapter 18.22 RCW; adding a new section to chapter 18.25
3 RCW; adding a new section to chapter 18.32 RCW; adding a new section to
4 chapter 18.36A RCW; adding a new section to chapter 18.57 RCW; adding
5 a new section to chapter 18.71 RCW; adding a new section to chapter
6 18.74 RCW; and adding a new section to chapter 18.79 RCW.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.22 RCW
9 to read as follows:

10 (1) The board shall adopt rules to identify those instruments or
11 categories of instruments that are prohibited for use by a podiatric
12 physician or surgeon for therapeutic or diagnostic purposes.

13 (2) The board may adopt rules to identify:

14 (a) Those instruments or categories of instruments that are
15 approved for use by a podiatric physician or surgeon; or

16 (b) Those procedures or categories of procedures that are approved
17 or prohibited for use by a podiatric physician or surgeon.

18 (3) The rules must be based upon consideration of the following

1 factors for any procedure, category of procedures, instrument, or
2 category of instruments to be approved or prohibited:

3 (a) The instruction of use of the procedure, category of
4 procedures, instrument, or category of instruments at approved schools
5 of podiatric medicine and surgery;

6 (b) The scientific basis for the use of the procedure, category of
7 procedures, instrument, or category of instruments;

8 (c) Any direct and positive relationship of the procedure, category
9 of procedures, instrument, or category of instruments to patient care;

10 (d) A comparison of potential risks and benefits to the patient;
11 and

12 (e) Other factors deemed relevant by the board.

13 (4)(a) A podiatric physician or surgeon licensed under this chapter
14 or manufacturer or vendor of an instrument or category of instruments
15 for treatment or diagnostic evaluation may request that the board
16 determine the classification of a procedure, category of procedures,
17 instrument, or category of instruments not addressed by the rules.

18 (b) Prior to using an instrument or category of instruments not
19 available for purchase before January 1, 2009, a podiatric physician or
20 surgeon licensed under this chapter must seek a determination from the
21 board as to the status of the instrument or category of instruments.
22 Failure to seek a determination or make a reasonable inquiry to the
23 board about the approved or prohibited status of an instrument not
24 available for purchase before January 1, 2009, is unprofessional
25 conduct under this chapter and chapter 18.130 RCW.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.25 RCW
27 to read as follows:

28 (1) The commission shall adopt rules to identify those instruments
29 or categories of instruments that are prohibited for use by a
30 chiropractor for treatment or diagnostic evaluation.

31 (2) The commission may adopt rules to identify:

32 (a) Those instruments or categories of instruments that are
33 approved for use by a chiropractor; or

34 (b) Those procedures or categories of procedures that are approved
35 or prohibited for use by a chiropractor.

36 (3) The rules must be based upon consideration of the following

1 factors for any procedure, category of procedures, instrument, or
2 category of instruments to be approved or prohibited:

3 (a) The instruction of use of the procedure, category of
4 procedures, instrument, or category of instruments at approved
5 chiropractic schools and colleges;

6 (b) The scientific basis for the use of the procedure, category of
7 procedures, instrument, or category of instruments;

8 (c) Any direct and positive relationship of the procedure, category
9 of procedures, instrument, or category of instruments to patient care;

10 (d) A comparison of potential risks and benefits to the patient;
11 and

12 (e) Other factors deemed relevant by the commission.

13 (4)(a) Any chiropractor licensed under this chapter or manufacturer
14 or vendor of an instrument or category of instruments for treatment or
15 diagnostic evaluation may request that the commission determine the
16 classification of a procedure, category of procedures, instrument, or
17 category of instruments not addressed by the rules.

18 (b) Prior to using an instrument or category of instruments not
19 available for purchase before January 1, 2009, a chiropractor licensed
20 under this chapter must seek a determination from the commission as to
21 the status of the instrument or category of instruments. Failure to
22 seek a determination or make a reasonable inquiry to the commission
23 about the approved or prohibited status of an instrument not available
24 for purchase before January 1, 2009, is unprofessional conduct under
25 this chapter and chapter 18.130 RCW.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.32 RCW
27 to read as follows:

28 (1) The commission shall adopt rules to identify those instruments
29 or categories of instruments that are prohibited for use by a dentist
30 for treatment or diagnostic evaluation.

31 (2) The commission may adopt rules to identify:

32 (a) Those instruments or categories of instruments that are
33 approved for use by a dentist; or

34 (b) Those procedures or categories of procedures that are approved
35 or prohibited for use by a dentist.

36 (3) The rules must be based upon consideration of the following

1 factors for any procedure, category of procedures, instrument, or
2 category of instruments to be approved or prohibited:

3 (a) The instruction of use of the procedure, category of
4 procedures, instrument, or category of instruments at approved schools
5 of dentistry;

6 (b) The scientific basis for the use of the procedure, category of
7 procedures, instrument, or category of instruments;

8 (c) Any direct and positive relationship of the procedure, category
9 of procedures, instrument, or category of instruments to patient care;

10 (d) A comparison of potential risks and benefits to the patient;
11 and

12 (e) Other factors deemed relevant by the commission.

13 (4)(a) Any dentist licensed under this chapter or manufacturer or
14 vendor of an instrument or category of instruments for treatment or
15 diagnostic evaluation may request that the commission determine the
16 classification of a procedure, category of procedures, instrument, or
17 category of instruments not addressed by the rules.

18 (b) Prior to using an instrument or category of instruments not
19 available for purchase before January 1, 2009, a dentist licensed under
20 this chapter must seek a determination from the commission as to the
21 status of the instrument or category of instruments. Failure to seek
22 a determination or make a reasonable inquiry to the commission about
23 the approved or prohibited status of an instrument not available for
24 purchase before January 1, 2009, is unprofessional conduct under this
25 chapter and chapter 18.130 RCW.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.36A RCW
27 to read as follows:

28 (1) The secretary, in coordination with the committee, shall adopt
29 rules to identify those instruments or categories of instruments that
30 are prohibited for use by a naturopath for treatment or diagnostic
31 evaluation.

32 (2) The secretary, in coordination with the committee, may adopt
33 rules to identify:

34 (a) Those instruments or categories of instruments that are
35 approved for use by a naturopath; or

36 (b) Those procedures or categories of procedures that are approved
37 or prohibited for use by a naturopath.

1 (3) The rules must be based upon consideration of the following
2 factors for any procedure, category of procedures, instrument, or
3 category of instruments to be approved or prohibited:

4 (a) The instruction of use of the procedure, category of
5 procedures, instrument, or category of instruments at approved
6 naturopathic education programs;

7 (b) The scientific basis for the use of the procedure, category of
8 procedures, instrument, or category of instruments;

9 (c) Any direct and positive relationship of the procedure, category
10 of procedures, instrument, or category of instruments to patient care;

11 (d) A comparison of potential risks and benefits to the patient;
12 and

13 (e) Other factors deemed relevant by the secretary, in coordination
14 with the committee.

15 (4)(a) Any naturopath licensed under this chapter or manufacturer
16 or vendor of an instrument or category of instruments for treatment or
17 diagnostic evaluation may request that the secretary, in coordination
18 with the committee, determine the classification of a procedure,
19 category of procedures, instrument, or category of instruments not
20 addressed by the rules.

21 (b) Prior to using an instrument or category of instruments not
22 available for purchase before January 1, 2009, a naturopath licensed
23 under this chapter must seek a determination from the secretary as to
24 the status of the instrument or category of instruments. Failure to
25 seek a determination or make a reasonable inquiry to the secretary
26 about the approved or prohibited status of an instrument not available
27 for purchase before January 1, 2009, is unprofessional conduct under
28 this chapter and chapter 18.130 RCW.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.57 RCW
30 to read as follows:

31 (1) The board shall adopt rules to identify those instruments or
32 categories of instruments that are prohibited for use by an osteopathic
33 physician or surgeon or osteopathic physician's assistant for treatment
34 or diagnostic evaluation.

35 (2) The board may adopt rules to identify:

36 (a) Those instruments or categories of instruments that are

1 approved for use by an osteopathic physician or surgeon or osteopathic
2 physician's assistant; or

3 (b) Those procedures or categories of procedures that are approved
4 or prohibited for use by an osteopathic physician or surgeon or
5 osteopathic physician's assistant.

6 (3) The rules must be based upon consideration of the following
7 factors for any procedure, category of procedures, instrument, or
8 category of instruments to be approved or prohibited:

9 (a) The instruction of use of the procedure, category of
10 procedures, instrument, or category of instruments at approved schools
11 of osteopathic medicine or physician assistant training programs;

12 (b) The scientific basis for the use of the procedure, category of
13 procedures, instrument, or category of instruments;

14 (c) Any direct and positive relationship of the procedure, category
15 of procedures, instrument, or category of instruments to patient care;

16 (d) A comparison of potential risks and benefits to the patient;
17 and

18 (e) Other factors deemed relevant by the board.

19 (4)(a) Any osteopathic physician or surgeon licensed under this
20 chapter or osteopathic physician's assistant licensed under chapter
21 18.57A RCW or manufacturer or vendor of an instrument or category of
22 instruments for treatment or diagnostic evaluation may request that the
23 board determine the classification of a procedure, category of
24 procedures, instrument, or category of instruments not addressed by the
25 rules.

26 (b) Prior to using an instrument or category of instruments not
27 available for purchase before January 1, 2009, an osteopathic physician
28 or surgeon licensed under this chapter or an osteopathic physician's
29 assistant licensed under chapter 18.57A RCW must seek a determination
30 from the board as to the status of the instrument or category of
31 instruments. Failure to seek a determination or make a reasonable
32 inquiry to the board about the approved or prohibited status of an
33 instrument not available for purchase before January 1, 2009, is
34 unprofessional conduct under this chapter and chapter 18.130 RCW.

35 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.71 RCW
36 to read as follows:

37 (1) The commission shall adopt rules to identify those instruments

1 or categories of instruments that are prohibited for use by a physician
2 or surgeon or physician assistant for treatment or diagnostic
3 evaluation.

4 (2) The commission may adopt rules to identify:

5 (a) Those instruments or categories of instruments that are
6 approved for use by a physician or surgeon or physician assistant; or

7 (b) Those procedures or categories of procedures that are approved
8 or prohibited for use by a physician or surgeon or physician assistant.

9 (3) The rules must be based upon consideration of the following
10 factors for any procedure, category of procedures, instrument, or
11 category of instruments to be approved or prohibited:

12 (a) The instruction of use of the procedure, category of
13 procedures, instrument, or category of instruments at approved schools
14 of medicine or physician assistant programs;

15 (b) The scientific basis for the use of the procedure, category of
16 procedures, instrument, or category of instruments;

17 (c) Any direct and positive relationship of the procedure, category
18 of procedures, instrument, or category of instruments to patient care;

19 (d) A comparison of potential risks and benefits to the patient;
20 and

21 (e) Other factors deemed relevant by the commission.

22 (4)(a) Any physician or surgeon licensed under this chapter or
23 physician assistant licensed under chapter 18.71A RCW or manufacturer
24 or vendor of an instrument or category of instruments for treatment or
25 diagnostic evaluation may request that the commission determine the
26 classification of a procedure, category of procedures, instrument, or
27 category of instruments not addressed by the rules.

28 (b) Prior to using an instrument or category of instruments not
29 available for purchase before January 1, 2009, a physician or surgeon
30 licensed under this chapter or a physician assistant licensed under
31 chapter 18.71A RCW must seek a determination from the commission as to
32 the status of the instrument or category of instruments. Failure to
33 seek a determination or make a reasonable inquiry to the commission
34 about the approved or prohibited status of an instrument not available
35 for purchase before January 1, 2009, is unprofessional conduct under
36 this chapter and chapter 18.130 RCW.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.74 RCW
2 to read as follows:

3 (1) The board shall adopt rules to identify those instruments or
4 categories of instruments that are prohibited for use by a physical
5 therapist for therapeutic or diagnostic purposes.

6 (2) The board may adopt rules to identify:

7 (a) Those instruments or categories of instruments that are
8 approved for use by a physical therapist; or

9 (b) Those procedures or categories of procedures that are approved
10 or prohibited for use by a physical therapist.

11 (3) The rules must be based upon consideration of the following
12 factors for any procedure, category of procedures, instrument, or
13 category of instruments to be approved or prohibited:

14 (a) The instruction of use of the procedure, category of
15 procedures, instrument, or category of instruments at approved physical
16 therapy programs;

17 (b) The scientific basis for the use of the procedure, category of
18 procedures, instrument, or category of instruments;

19 (c) Any direct and positive relationship of the procedure, category
20 of procedures, instrument, or category of instruments to patient care;

21 (d) A comparison of potential risks and benefits to the patient;
22 and

23 (e) Other factors deemed relevant by the board.

24 (4)(a) A physical therapist licensed under this chapter or
25 manufacturer or vendor of an instrument or category of instruments for
26 treatment or diagnostic evaluation may request that the board determine
27 the classification of a procedure, category of procedures, instrument,
28 or category of instruments not addressed by the rules.

29 (b) Prior to using an instrument or category of instruments not
30 available for purchase before January 1, 2009, a physical therapist
31 licensed under this chapter must seek a determination from the board as
32 to the status of the instrument or category of instruments. Failure to
33 seek a determination or make a reasonable inquiry to the board about
34 the approved or prohibited status of an instrument not available for
35 purchase before January 1, 2009, is unprofessional conduct under this
36 chapter and chapter 18.130 RCW.

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 18.79 RCW
2 to read as follows:

3 (1) The commission shall adopt rules to identify those instruments
4 or categories of instruments that are prohibited for use by an advanced
5 registered nurse practitioner for treatment or diagnostic evaluation.

6 (2) The commission may adopt rules to identify:

7 (a) Those instruments or categories of instruments that are
8 approved for use by an advanced registered nurse practitioner; or

9 (b) Those procedures or categories of procedures that are approved
10 or prohibited for use by an advanced registered nurse practitioner.

11 (3) The rules must be based upon consideration of the following
12 factors for any procedure, category of procedures, instrument, or
13 category of instruments to be approved or prohibited:

14 (a) The instruction of use of the procedure, category of
15 procedures, instrument, or category of instruments at approved schools
16 of nursing;

17 (b) The scientific basis for the use of the procedure, category of
18 procedures, instrument, or category of instruments;

19 (c) Any direct and positive relationship of the procedure, category
20 of procedures, instrument, or category of instruments to patient care;

21 (d) A comparison of potential risks and benefits to the patient;
22 and

23 (e) Other factors deemed relevant by the commission.

24 (4)(a) An advanced registered nurse practitioner licensed under
25 this chapter or manufacturer or vendor of an instrument or category of
26 instruments for treatment or diagnostic evaluation may request that the
27 commission determine the classification of a procedure, category of
28 procedures, instrument, or category of instruments not addressed by the
29 rules.

30 (b) Prior to using an instrument or category of instruments not
31 available for purchase before January 1, 2009, an advanced registered
32 nurse practitioner licensed under this chapter must seek a
33 determination from the commission as to the status of the instrument or
34 category of instruments. Failure to seek a determination or make a
35 reasonable inquiry to the commission about the approved or prohibited
36 status of an instrument not available for purchase before January 1,

1 2009, is unprofessional conduct under this chapter and chapter 18.130
2 RCW.

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